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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phase 1

REPLY COMMENTS OF MFS COMMUNICATIONS COMPANY, INC.

MFS Communications Company, Inc. ("MFS"), by its undersigned counsel and pursuant to the Commission's Order in this proceeding released January 8, 1993, hereby submits its reply comments in the above-referenced proceeding concerning Phase 1 issues.¹ As set forth in greater detail below, MFS replies to the Phase 1 initial comments filed on or about December 28, 1992, by thirty-six parties.²

¹ Phase 1 of this proceeding focuses on who should administer the North American Numbering Plan, how numbering disputes can be resolved, what administrative or oversight mechanisms should be used, how the costs of NANP administration should be recovered, and on issues relating to local number portability. See *Notice of Inquiry*, CC Docket No. 92-237, CC 92-470, at paras. 3, 22-35 and 41 (released Oct. 29, 1992) ("*Notice*"). These reply comments do not address Phase 2 issues concerning Feature Group D access.

² Initial comments, cited herein as "Comments," were filed by, among others, AT&T; Ad Hoc Telecommunications Users Committee ("Ad Hoc"); Allnet Communications Services, Inc. ("Allnet"); Aeronautical Radio Inc. and Air Transport Assoc. of America ("ARINC"); BellSouth Corporation ("BellSouth"); Bell Communications Research, Inc. ("Bellcore"); Bell Atlantic; the Cellular Telecommunications Industry Association ("CTIA"); Centel Corporation ("Centel"); Cincinnati Bell Telephone Corporation ("CBT"); Cox Enterprises, Inc. ("Cox"); GTE Service Corporation ("GTE"); Information Industry Assoc. ("IIA"); MCI, McCaw Cellular Communications, Inc. ("McCaw"); Metrocall of Delaware, Inc. ("Metrocall"); the National Cable Television Association ("NCTA"); NYNEX Telephone Companies ("NYNEX"); Southern New England Telephone Corporation ("SNET"); Southwestern Bell Corporation ("SWBT"); Sprint;

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In its Comments MFS emphasized the fact that, neutral administration of the North American Numbering Plan ("NANP") is essential to the ongoing development of our nation's interconnected public common carrier and private telecommunications networks, and urged that the Commission's inquiry into the administration of NANP be expedited, to ensure that carriers will be able to move forward in developing plans for introducing new, locally-oriented services. MFS Comments at 2. Initial comments filed in this proceeding emphasize that the complexities and demands of NANP administration will increase dramatically as domestic and international communications markets become "increasingly pluralistic and competitive." BellSouth Comments at 5. Accordingly, MFS urges that the Commission expeditiously release proposed rules transferring administration of NANP from Bellcore and complete the rulemaking proceeding as soon as possible thereafter. Specific issues relating to the administration of NANP and local number portability are discussed below.

I. THE COMMISSION SHOULD EXPEDITIOUSLY PROPOSE RULES TRANSFERRING ADMINISTRATION OF NANP FROM BELLCORE

In its Comments MFS suggested that in the face of increasing competition for numbering resources, the time has come for the Commission to reassign NANP to a neutral administrator, and suggested that ultimate policy responsibility be assigned to a single disinterested Government-related entity rather than to a forum or committee. MFS Comments at 4. MFS suggested if the Commission is reluctant to adopt responsibility for NANP, that direct responsibility for NANP policy decisions should be assigned to the Department of Commerce's National Telecommunications and Information Administration ("NTIA"). MFS Comments at 5. NTIA could either assume the responsibility for ministerial day-to-day tasks of NANP management or else delegate that responsibility to a contractor or other third party. *Id.*

²(...continued)

Teleport Communications Group ("Teleport"); United States Telephone Assoc. ("USTA"); and Vanguard Cellular Systems, Inc. ("Vanguard").

The majority of comments in this proceeding recognize that continued administration of NANP by Bellcore has either resulted in an actual conflict of interest, poses a significant potential for a conflict of interest, or else results in an appearance of conflict of interest, due to the fact that Bellcore's owners—the Bell Operating Companies—are themselves users of potentially scarce and valuable numbering resources.³ Given this general consensus, the Commission should expeditiously propose rules providing for the transfer of NANP from Bellcore. Bellcore itself has stated that "others can similarly perform the NANPA role effectively" provided that certain governing objectives continue to be pursued. Bellcore Comments at 1.

A number of parties have suggested that if NANP is transferred from Bellcore, that the transfer not be effected until after interchangeable numbering plan areas ("NPAs") are fully implemented and expansion of carrier identification codes ("CIC codes") is completed, sometime in 1996.⁴ Given the extremely high level of support for transferring NANP to a neutral administrator, and given the exceptional importance of numbering policy to the development of telecommunications policy, both in the U.S. and throughout World Zone 1, there is absolutely no reason for the Commission to delay transfer for this extended period of time. No party has identified any specific reason why transfer of NANP policy functions could not be achieved simultaneously with adoption of interchangeable NPAs and expansion of CIC codes. As the

³ Ad Hoc Comments at 6; Allnet Comments at 3; ARINC Comments at 2; AT&T Comments at 6, n.12; Bell Atlantic Comments at 1; BellSouth Comments at 5-6; CTIA Comments at 3, n.4; CBT Comments at 3-4; Cox Comments at 2; GTE Comments at 5; IIA Comments at 3; MCI Comments at 3; McCaw Comments at 7-8; Metrocall Comments at 3; NCTA Comments at 2; Sprint Comments at 2-3; Teleport Comments at 5; Telocator Comments at 4; USTA Comments at 7-8; Vanguard Comments at 1-2.

⁴ See Ameritech Comments at 10; Bell Atlantic Comments at 1-2; CBT Comments at 4; SNET Comments at 2; SWBT Comments at 4.

comments of most parties reflect, numbering policy is separate from the administration of that policy. Thus, there is no reason why the Commission should delay transfer of the policy-related functions NANP from Bellcore for any period of time, much less three years.

MFS believes that the new NANP administrator should assume primary responsibility for all numbering policy concerns, and should serve as the forum of first resort for national and local numbering issues, as well as central office ("CO") code administration issues. (The Commission would retain its plenary authority over all numbering and other NANP-related issues.) This will rectify the concern of many commenters that responsibility for numbering issues is currently fragmented among numerous technical and policy committees,⁵ and is consistent with Bellcore's judgment that planning must continue to be part of the NANP administrator's functions. Bellcore Comments at 9. It will also help ensure that the NANP administrator exercises timely leadership in promoting efficient and innovative use of numbering resources.⁶

Transfer of NANP's policy-related functions to NTIA will ensure that all carriers and other interested parties are afforded an opportunity to raise numbering issues before a single, disinterested governmental body. Other proposals, which would transfer administration of NANP from Bellcore to multiple industry policy groups,⁷ are more complex than is necessary,

⁵ In an appendix to its Comments CTIA identifies 26 numbering issues currently being addressed in 12 separate forums. *See also* Bellcore Comments at 8 (recognizing that there is a fragmentation of numbering issues among a diversity of groups); Ad Hoc Comments at 7-15 (arguing that fragmented calling patterns adopted in different regions throughout the U.S. illustrate that the current administration of NANP is more fragmented than the Commission appears to suspect).

⁶ It will also ensure that numbering policy is coordinated with the regulatory authorities in other World Zone 1 nations.

⁷ For example, AT&T has suggested that the Commission should rely on industry groups
(continued...)

would burden interested parties by requiring them to participate in and continuously monitor multiple forums, and, because of lack of enforcement power, would lack finality. For these reasons it is essential that responsibility for numbering and dialing issues, as well as CO assignment, be under the aegis of one qualified governmental agency, preferably NTIA.⁸

II. THE COMMISSION SHOULD BEGIN PLANNING FOR LOCAL NUMBER PORTABILITY IMMEDIATELY

In its initial comments, MFS argued that the optimal time to begin planning for number portability is already past due, that the Commission should release a Notice of Proposed Rulemaking on this issue as soon as possible, and that absent clear and convincing justification for delay, number portability should be required within one year after receiving a *bona fide* request from an eligible carrier. MFS Comments at 9.

While a number of parties support number portability and urge the Commission to move forward to develop plans for number portability,⁹ other commenters speculate that technical, administrative, and cost issues posed by number portability render investigation of number portability premature.¹⁰ Significantly, however, *none* of the parties in the latter group has

⁷(...continued)

to develop, implement, and administer numbering policy, and has proposed the establishment of two industry groups, one setting broad policy, the other responsible for executing the policy decisions. AT&T Comments at 4-7. In similar vein NCTA has proposed establishing a three-tier management structure for NANP, with the Commission setting broad numbering and dialing policy, an industry group implementing those policies and advising the Commission, and Bellcore executing those policies. NCTA Comments at 3.

⁸ The NANP administrator should, of course, solicit industry views on numbering and related matters and should participate, as necessary in industry numbering fora, much as the Commission would if it were to act as administrator.

⁹ See Ameritech Comments at 12-13; BellSouth Comments at 16-17; Centel Comments at 3; MCI Comments at 28; McCaw Comments at 2, 19-20; Metrocall Comments at 6; and Teleport Comments at 6-8.

¹⁰ See GTE Comments at 19; NYNEX Comments at 8-9; and SNET Comments at 8-9.

provided any specific quantitative analysis of the costs they fear may be incurred. Further delay ignores both reason and experience. The undisputed fact is that number portability is essential to development of local competition, and the Commission should not permit unfounded and speculative assumptions by those parties with access to information bearing on the cost and feasibility of implementing local number portability (largely the LECs and Bellcore) to cause further delay in planning for local competition. The lack of any detailed and concrete data in this proceeding concerning costs or technical impediments to number portability argues strongly in favor of establishing a rulemaking proceeding designed to gather pertinent facts and plan for its adoption.

As MFS noted in its comments, number portability can be achieved using the same basic technology used to accomplish 800 number portability. Thus, for instance, certain NPA-NXX combinations could be reserved as "database lookup" codes rather than being associated with a particular carrier's end office switch. MFS Comments at 8. This would allow number portability to be made available only in selected geographic areas where competition is the most advanced, thus reducing the initial costs of portability, and would provide additional lead time for the NANP administrator to plan for number portability for all central office codes. It would also greatly diminish the initial costs of portability, which certain commenters apparently have calculated on the basis of immediate nationwide availability.¹¹

Given the evident need for number portability,¹² and the crucial role number portability will play in the development of our nation's telecommunications infrastructure, the Commission

¹¹ SWBT, for example, claims that local number portability could cost in excess of one half billion dollars. SWBT Comments at 13 n.18.

¹² See MFS Comments at 6-7 (noting the strong consumer demand for number portability as evidenced by the recent introduction of "one-number" calling services offered by AT&T, Bell Operating Companies and other service providers).

should exercise immediate leadership by issuing a Notice of Proposed Rulemaking designed to implement number portability without delay and on a fixed time schedule.

CONCLUSION

To ensure the vigorous, neutral administration of the North American Numbering Plan, NANP's policy-related functions should be transferred to the National Telecommunications and Information Administration. At its earliest opportunity the Commission should release a Notice of Proposed Rulemaking designed to implement local number portability. Local exchange carriers should be required to implement local number portability within specific geographic areas within one year of receiving a *bona fide* request from a competing carrier.

Respectfully submitted,



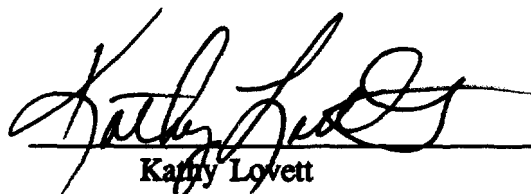
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Dated: February 24, 1993

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 1993, copies of the the foregoing document have been sent via hand delivery* or first-class, postage-prepaid mail to persons on the attached service list.


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